

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

**NORMAN H. FENTON, DAVID CARNEY-  
FENTON, and LISA CARNEY-FENTON**

Civil No. 09-1240-ST

Plaintiffs,

O R D E R

v.

**CITY OF PORTLAND**, an Oregon municipal  
corporation,

Defendant.

---

Norman H. Fenton  
3510 NW Vesta Street  
Portland, Oregon 97219

Pro Se Plaintiff

Terence L. Thatcher  
City Attorney's Office  
1221 S.W. Fourth Avenue, Room 430  
Portland , Oregon 97204

Attorney for Defendant

KING, Judge:

The Honorable Janice Stewart, United States Magistrate Judge, filed Findings and Recommendation on February 16, 2010. Plaintiff filed timely objections to the Findings and Recommendation.

When either party objects to any portion of a magistrate's Findings and Recommendation concerning a dispositive motion or prisoner petition, the district court must make a de novo determination of that portion of the magistrate's report. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982). This court has, therefore, given de novo review of the rulings of Magistrate Judge Stewart.

This court ADOPTS the Findings and Recommendation of Magistrate Judge Stewart (#15) dated February 16, 2010 in its entirety.

IT IS HEREBY ORDERED that the City's Motion to Dismiss for Want of Jurisdiction (Ripeness) (#5) is granted.

DATED this 19<sup>th</sup> day of March, 2010.

/s/ Garr M. King

GARR M. KING  
United States District Judge